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EXAMINER

NGUYEN, ANH

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte COLIN SIDI, STEPHEN S. HASKELL,
ABHIJIT NAIK, and DEEPAK RATHI

Appeal 2017-002785
Application 13/787,124.¹
Technology Center 2400

Before ALLEN R. MacDONALD, JON M. JURGOVAN, and
KEVIN C. TROCK, *Administrative Patent Judges*.

JURGOVAN, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ Appellants identify W.W. Grainger, Inc. as the real party in interest.
(Appeal Brief 2.)

STATEMENT OF THE CASE

Appellants seek review under 35 U.S.C. § 134(a) from a Final Rejection of claims 1–9 and 11–19.² We have jurisdiction under 35 U.S.C. § 6(b).

We affirm..³

CLAIMED INVENTION

The claims are directed to systems and methods for providing infrastructure metrics. (Spec. Title.) Claim 1, reproduced below with argued limitations shown in *italics*, is illustrative of the claimed subject matter:

1. A non-transient, computer readable media having stored thereon instructions for providing infrastructure metrics for components of a monitored system the instructions performing steps comprising:

obtaining, and storing in a data repository in a raw data log, data indicative of application response times resulting from user interactions with at least one of a plurality of applications running on a network system;

obtaining, and storing in a data repository in an operating system statistics log, data indicative of operating system usage of system resources for at least one operating system running the at least one of the plurality of applications running on a network system;

bifurcating the raw data log into at least a transactional data stream and a non-transactional data stream;

² Claims 10 and 20 have been cancelled. (Final Act. 2.)

³ Our Decision refers to the Specification (“Spec.”) filed March 6, 2013, the Final Office Action (“Final Act.”) mailed March 31, 2016, the Appeal Brief (“App. Br.”) filed September 7, 2016, the Examiner’s Answer (“Ans.”) mailed October 21, 2016, and the Reply Brief (“Reply Br.”) filed December 6, 2016.

correlating at least one of the transactional data stream and the non-transactional data stream together with the data within the operating system log onto a common time scale; and
using the common time scale to display the at least one of the transactional data stream and the non-transactional data stream that was correlated together with the data within the operating system log on a display in a graphical format.

REJECTIONS

Claims 1, 2, 6, 11–13, and 17 stand rejected under 35 U.S.C. § 103(a) based on Saghier (US 7,369,981 B1, May 6, 2008) and Williams (US 2014/0019609 A1, January 16, 2014). (Final Act. 3–8.)

Claim 7 stands rejected under 35 U.S.C. § 103(a) based on Saghier, Williams, and Breslin (US 7,827,448 B1, November 2, 2010). (Final Act. 8–9.)

Claims 3–5, 8, 9, 14–16, 18, and 19 stand rejected under 35 U.S.C. § 103(a) based on Saghier, Williams, and Jones (US 2005/0091369 A1, April 28, 2005). (Final Act. 9–14.)

ANALYSIS

Claims 1 and 12

Appellants argue

while Williams may disclose, teach, or suggest modifying Saghier such that *port traffic data* is inspected by protocol parsers to determine if a *received request and/or a response* is one of transactional data or non-transactional data, nothing within Williams discloses, teaches, or suggests modifying Saghier such that a raw data log in which is stored **data indicative of application response times** resulting from user interactions with at least one of a plurality of applications running on a network system is bifurcated into at least a

transactional data stream and a non-transactional data stream as claimed.

(App. Br. 5.)

Appellants' argument fails to take into account all of the Examiner's relevant findings concerning Williams as set forth in the Final Office Action. (Final Act. 2–3.) There, the Examiner explains that Williams discloses that a collector application obtains and stores collected network traffic data in a shared memory buffer (Fig. 11, ¶ 137); that part of the collected data pertains to user interaction with an application (¶¶ 11–12); and that metrics obtained from the collected data relate to application response times (¶ 144). In this regard, we note that the Williams' mention of "total response time" (¶ 11) or "latency of transactions" (¶ 144) in the context of user transactions involving distributed applications (¶¶ 12, 144), are equivalent to the claimed "application response times."

In the Reply Brief, Appellants shift the focus of their argument to assert that Saghier and Williams do not bifurcate a raw data log as claimed. (Reply Br. 2–3.) According to Appellants, the Examiner admits that Saghier does not disclose this limitation, and argue that Williams inspects incoming port traffic to determine which requests and/or responses are transactional and/or non-transactional. (*Id.* citing ¶¶ 155–158, Final Act. 4.) Appellants' argument fails to explain why Williams' "shared memory buffer" (¶ 137) storing time-stamped data (¶¶ 111–112) is not equivalent to the claimed "raw data log," or why Williams' inspecting and filtering data in the shared memory buffer to determine requests that are transactional and non-transactional (¶¶ 147, 155) is not equivalent to the claimed "bifurcating the raw data log." Thus, we find this argument unpersuasive.

Also, in the Reply Brief, Appellants repeat the argument presented in the Appeal Brief concerning the claimed “data indicative of application response times.” For the reasons explained, we are not persuaded by Appellants’ argument.

Remaining Claims

No separate arguments are presented for the remaining dependent claims, which fall with their independent claims for the reasons stated. 37 C.F.R. § 41.37(c)(1)(iv).

DECISION

We affirm the Examiner’s decision to reject claims 1–9 and 11–19 under 35 U.S.C. § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED